

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

WILLIAM RAUB,

Plaintiff,

v.

ALLIED INTERSTATE, INC.,

Defendant.

**PLAINTIFF’S VERIFIED
COMPLAINT AND
DEMAND FOR JURY
TRIAL**

WILLIAM RAUB (“Plaintiff”), through attorneys, KROHN & MOSS, LTD., alleges the following against ALLIED INTERSTATE, INC., (“Defendant”):

INTRODUCTION

1. Plaintiff’s Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. 1692 et seq. (FDCPA).
2. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

JURISDICTION AND VENUE

3. Jurisdiction of this court arises pursuant to 15 U.S.C. 1692k(d), which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy.”
4. Defendant conducts business in the state of Georgia, and, therefore, personal jurisdiction is established.
5. Venue is proper pursuant to 28 U.S.C. 1391(b)(2).

PARTIES

6. Plaintiff is a natural person residing in Marietta, Cobb County, Georgia.
7. Plaintiff is a consumer as that term is defined by 15 U.S.C. 1692a(3), and according to Defendant, Plaintiff allegedly owes a debt as that term is defined by 15 U.S.C. 1692a(5).
8. Defendant is a debt collector as that term is defined by 15 U.S.C. 1692a(6), and sought to collect a consumer debt from Plaintiff.
9. Defendant is a national company located in Minneapolis, Hennepin County, Minnesota.
10. Defendant, in the ordinary course of business, regularly, on behalf of itself or others, engages in debt collection.

FACTUAL ALLEGATIONS

11. Upon information and belief, Defendant is collecting from Plaintiff on an alleged debt original owed to Franklin Mint from 1997.
12. Beginning in approximately April 2011, Defendant calls Plaintiff from 800-214-8742 on Plaintiff's cell phone at 706-218-1050.
13. Defendant calls Plaintiff up to three times per day, every day, including weekends and week days.
14. Defendant has on at least six occasions called Plaintiff after 9PM EST.
15. On May 3, 2011, the undersigned sent Defendant a notice that Plaintiff was represented by counsel with a request to settle the instant case. Defendant did not respond.
16. On May 9, 2011, Defendant called Plaintiff again at 9:36PM.

COUNT I DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

17. Defendant violated the FDCPA based on the following:

- a) Defendant violated §1692c(a)(1) of the FDCPA by calling Plaintiff after 9PM.
- b) Defendant violated §1692c(a)(3) of the FDCPA by calling Plaintiff after being informed that Plaintiff is represented by counsel.
- c) Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of which is to annoy, harass and oppress Plaintiff.
- d) Defendant violated §1692d(5) of the FDCPA by repeatedly causing Plaintiff's phone to ring and/or engage in conversation.

WHEREFORE, Plaintiff, WILLIAM RAUB, respectfully requests judgment be entered against Defendant, ALLIED INTERSTATE, INC., for the following:

- 18. Statutory damages pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k.
- 19. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k
- 20. Any other relief that this Honorable Court deems appropriate.

RESPECTFULLY SUBMITTED,

DATED: May 10, 2011

By: /s/ Shireen Hormozdi
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DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff, WILLIAM RAUB, demands a jury trial in this case.

VERIFICATION OF COMPLAINT AND CERTIFICATION

STATE OF GEORGIA

Plaintiff, WILLIAM RAUB, states the following:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, WILLIAM RAUB, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

5/28/2011
Date

William Raub
WILLIAM RAUB